

SERVICE DATE – SEPTEMBER 14, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN FRANKLIN COUNTY, IA

Decided: September 12, 2005

By decision and notice of interim trail use or abandonment (NITU) served on September 26, 2003, a 180-day period was authorized for the Iowa Trails Council (Iowa Trails), on behalf of the Franklin County Conservation Board, to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 5.90-mile line of railroad known as the Sheffield Industrial Lead, extending from milepost 179.80 near Chapin to milepost 173.90 near Sheffield in Franklin County, IA. The negotiating period under the NITU was extended to September 15, 2005, by decisions served on March 22, 2004, October 12, 2004, and March 22, 2005, for the portion of the line extending from milepost 173.90 near Sheffield, to milepost 178.0 near Chapin. UP consummated abandonment over the remaining portion of the line, extending from milepost 178.0 to milepost 179.80, and reclassified the track as industrial trackage for the benefit of a grain elevator at that location.

On September 2, 2005, Iowa Trails requested an additional 6-month extension of the negotiating period until March 15, 2006, stating that negotiations are continuing but that the additional time is needed to complete the negotiations. On September 6, 2005, UP filed its response in support of the extension request and is willing to continue to negotiate for the portion of the line extending from milepost 173.90 near Sheffield to milepost 178.0 near Chapin.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).¹ Accordingly, the NITU negotiating period will be extended for that portion of the line extending from milepost 173.90 near Sheffield to milepost 178.0 near Chapin for an additional 6-month period from September 15, 2005, until March 15, 2006.²

¹ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

² Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company–Abandonment Exemption–In Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended for that portion of the line extending from milepost 173.90 near Sheffield, IA, to milepost 178.0 near Chapin, IA, until March 15, 2006.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary